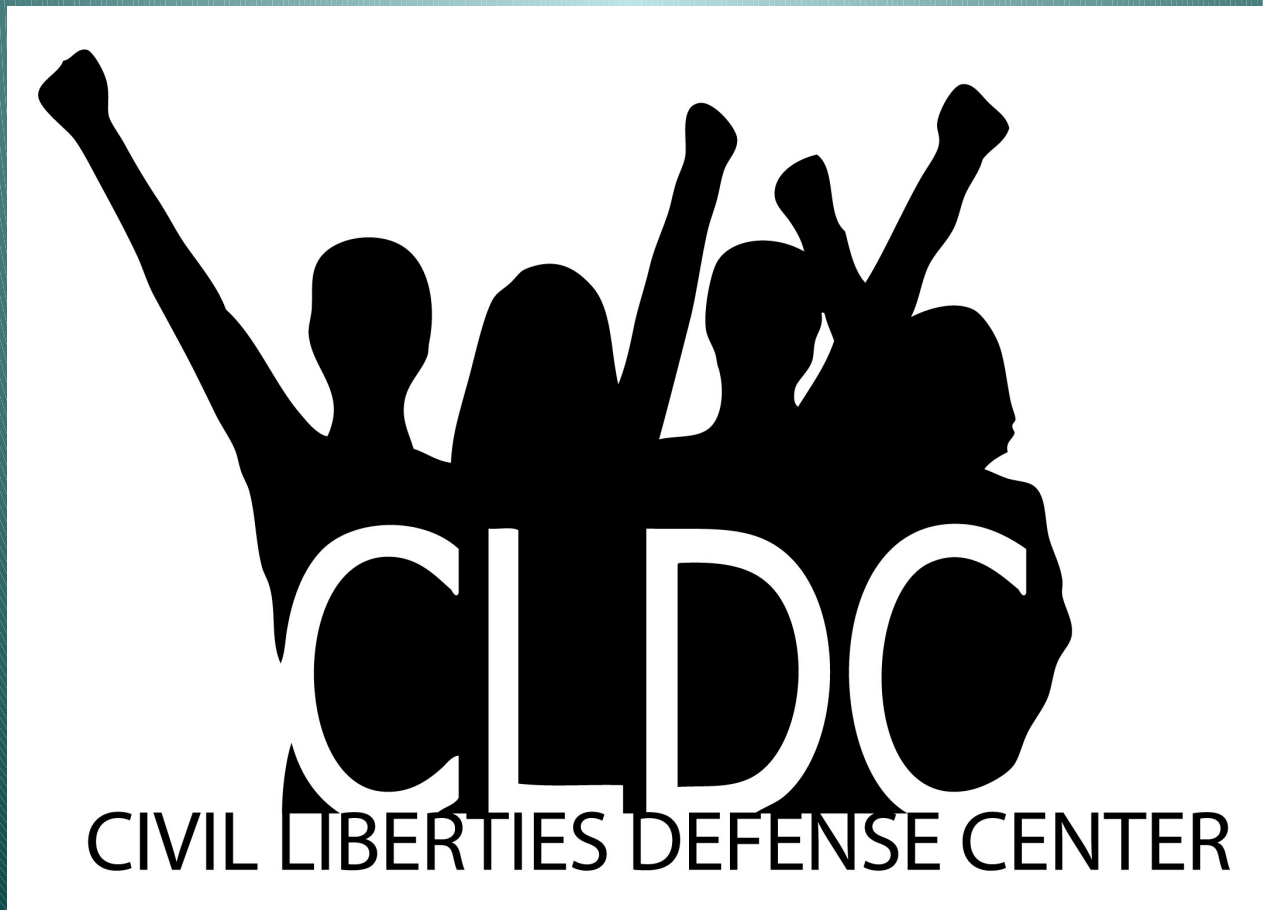


# KNOW YOUR RIGHTS



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**Contact Us With Questions Or  
Comments**

# **What rights do I have?**

- **Whether or not you're a citizen, you have these constitutional rights:**
- **The Right to Remain Silent**
- **The Right to be Free From “Unreasonable Searches and Seizures”**
- **The Right to Advocate for Change**



# The Right to Remain Silent

- The Fifth Amendment to the U.S. Constitution gives every person the right not to answer questions asked by a police officer or government agent.
- **I WISH TO REMAIN SILENT.**



# **The Right to be Free from "Unreasonable Searches and Seizures"**

- The Fourth Amendment is supposed to protect your privacy from government intrusion.
- Police cannot search you, your possessions, your home, etc. unless:
  - You consent (your silence gives police consent)
  - Police obtain a search warrant
  - Or an exception to the search warrant requirement exists

# The Right to be Free from "Unreasonable Searches and Seizures"

- Without a warrant, police or government agents may not search your home or office without your consent, and you have the right to refuse to let them in.
- **I DON'T CONSENT TO THIS SEARCH.**
- Must be said out loud—your silence indicates to police that you consent or agree to what they are doing.



# The Right to Free Speech & Assembly

- Public forums: maximum First Amendment rights
  - “Reasonable time, place, and manner restrictions”
- Quasi-public forums: depends/permits could be required
- Private forums: Owner or person in charge can ask you to leave and/or trespass you from the property. Least protection for First Amendment rights.
- Look to State Constitutional Rights as well.

# The Right to Advocate for Change

- The First Amendment to the U.S. Constitution protects the rights of groups and individuals who advocate changes in laws, government practices, and even the form of government.
- However, the ICE can target non-citizens for deportation because of their First Amendment activities, as long as it could deport them for other reasons.



# Search Warrants

- Written court permission to search and seize evidence of a crime.
- May be obtained telephonically in certain circumstances.
- Can enter your home without permission or your presence.

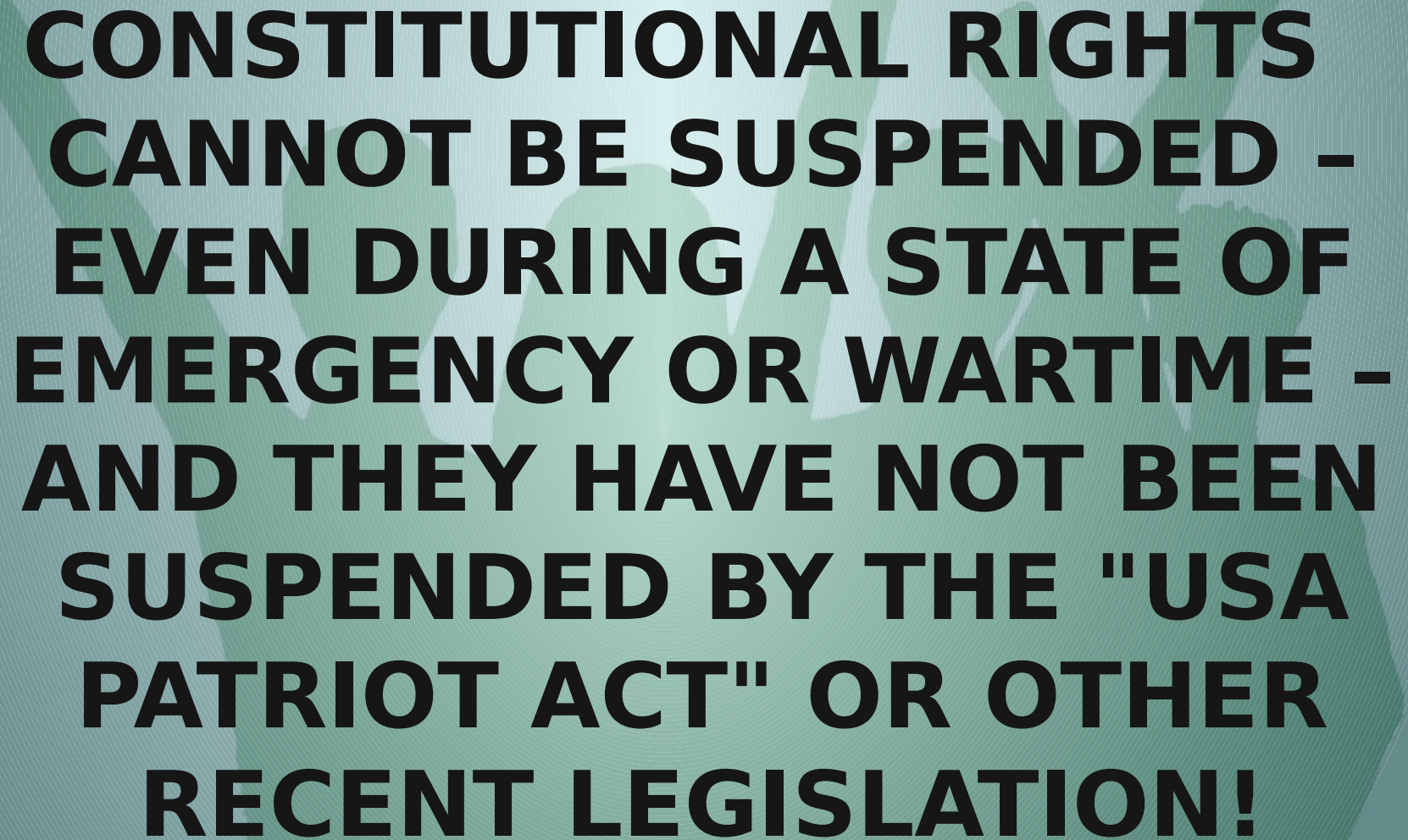
# No warrant needed...

Exceptions to the warrant requirement:

- weapons search within “wingspan” (car or person)
- exigent circumstances or emergencies: “hot pursuit”,
- “plain view” doctrine: if the public can see it, and a cop can see it, cops will be able to legally seize it.
- Patriot Act, other recent federal laws intended to gut 4<sup>th</sup> Amendment rights.

**REGARDLESS, DON'T CONSENT!**



The background of the image is a teal-colored photograph of a crowd of people. Many of the individuals in the crowd have their right fists raised in the air, a gesture often associated with protest or solidarity. The image is slightly out of focus, emphasizing the collective action over individual faces.

**CONSTITUTIONAL RIGHTS  
CANNOT BE SUSPENDED -  
EVEN DURING A STATE OF  
EMERGENCY OR WARTIME -  
AND THEY HAVE NOT BEEN  
SUSPENDED BY THE "USA  
PATRIOT ACT" OR OTHER  
RECENT LEGISLATION!**

# Three kinds of initial police encounters:

- Conversation
- Detention
- Arrest



# Tips for interacting with cops:

- ***Try and keep your hands visible at all times***
- Try to stay in well-lit places with witnesses if possible.
- You are probably being recorded by cop, especially if you end up inside cop car.
- You have the right to video or audio tape police in public as long as you tell them you are recording, and you are not interfering with an investigation

# Conversation:

- ***You are under no legal obligation to have a conversation with the police, FBI, ICE, TSA or investigator.*** If you agree to talk to them, you will very likely *give* them the very information they need to arrest you or prosecute you or someone else.
- Your best bet is to ***politely but firmly*** refuse to speak to them. Always make your refusal to speak to them ***clear*** in words, as opposed to



# Detention:

- A Police officer may *only* detain you if he or she has a *reasonable suspicion that you are involved in a crime*.
- “Reasonable suspicion” *must be more than a mere hunch*.
- Police must be able to put their “reasonable suspicion” into words. Under the law, this is called the “articulable suspicion” provision.
- Am I being detained? Why?

# What to do if you are stopped by the police

- Remember! What you say can and will be used against you. ***Stay calm and in control of your words and actions.*** Avoid arguing with the police but firmly assert your rights.
- ***Never run or physically resist*** even if you think that the stop is unreasonable or unlawful.
- ***Ask if you are free to leave;*** if they say yes, do so. You are not required to provide identification If they are not detaining you (unless you are the driver of a motor vehicle)



# If you are not free to go, ask why you are being detained

- You *must provide name, address and D.O.B.* if detained but are *not required to say anything else*. It is a crime to give a false name. Police must I.D. their name, agency, and badge number.
- You may be patted down and any possessions within your reach may be searched if police reasonably suspect you pose an imminent threat of serious physical injury.
- **Write down everything you can remember about the police interaction**

# **Cops Can Lie or Trick You**

- **The police ARE allowed to lie to you or misinform you. Don't be fooled.**
- **Many times they will promise you that your situation will be easier if you fully cooperate or tell them what they want to know, but they do not have to follow through on their promises.**



# Am I Under Arrest?

- **The police cannot move you** unless you are under arrest
- **If you are arrested, immediately ask for a lawyer. Do not respond to any police inquiries.**
- <18 has the same rights, but normally only released from jail to parent/guardian.
- If you are injured, seek medical attention and take photographs.

# Arrest: So, you are going to jail

- The police may arrest you if they *witness* you breaking the law, have *probable cause* to believe you have committed a crime, or have an *arrest warrant*, signed by a judge, for your arrest.
- *If you commit an act of nonviolent civil disobedience, then you have broken the law* – most likely in front of police officers – and therefore they may arrest you because they



# Arrest: Searches

- When making an arrest, the police are allowed to search you “to the skin.”
- May search your bags, and may search your vehicle.
- An officer searching your body must be of your own gender.
- Transdermal piercings may be removed.

# Assert Your Rights!

- "I am going to remain silent, and I want to contact an attorney."
- *This phrase immediately invokes your constitutional Fifth Amendment rights which protect you from police interrogation.* Once you utter these words, the police are *legally required* to *stop* questioning you.
- Even if you don't already have an attorney, police must provide you with a phonebook. Invoking your right to have



# The Miranda Rights

- You have the right to remain silent and to refuse to answer questions.
- Anything you do say can and will be used against you in a court of law.
- You have the right to an attorney and to have an attorney present when questioned.
- If you cannot afford an attorney, one will be appointed to you at no charge.
- If you decide to answer questions now, without an attorney present, you will retain the right to stop answering at any time until you talk to an attorney.
- Do you understand these rights as explained to you?
- Knowing and understanding your rights as I have explained them to you, are you willing to answer my questions without an attorney present?

# **"Demand of Rights"**

- I will not talk to you or anyone about anything.
- I demand to have an attorney present before I speak to you or anyone.
- I will not answer any questions, or reply to any charges, without my attorney present.
- I do not agree to perform any test, consent to any searches, or participate in any line-ups, except DULL tests that don't involve words.
- I will not sign anything unless my



# Grand Juries

- A subpoena to a grand jury is a written order for you to appear at a secret court proceeding and testify under oath about information the government believes you have about a crime or a fugitive.
- You have the right to an attorney and should not speak to agents until your attorney is present. Threats are common by FBI, don't be intimidated--assert your lawful

# **Sample Conversations With the Police**

- Conversation
- Detention
- Arrest



# CONVERSATION

- COP: “Hi, can I ask you a couple of questions?”
- **YOU:** “Are you detaining me or am I free to go?”
- COP: “I just want to talk to you.”
- **YOU:** “I choose not to talk to you.”  
(you walk away)

# DETENTION

- COP: “Hi, can I ask you a couple of questions?”
- **YOU**: “Are you detaining me or am I free to go?”
- COP: “I'm detaining you. Hands against the wall, feet back, and spread 'em.”
- **YOU**: “Why am I being detained?”  
(What is your reasonable suspicion?)  
(Memorize and report the response )



# ARREST

- COP: “I’m placing you under arrest.”
- **YOU:** “I am going to remain silent. I want to contact an attorney.”
- COP: “That’s fine. You’ll be able to contact your lawyer at the police station.”

# CD consequences in Oregon

- Criminal convictions include misdemeanors or felonies
- Venue matters: federal property vs. other public property vs. private property
- Misdemeanor charge: arrest; potential probation, jail, fine
- Prosecutor has the option to charge as a **VIOLATION**. Violation is not a criminal conviction. No jail, no probation. Judge can only impose fine (or CS alternative).
- Diversion: plead guilty to charge by filing diversion agreement. Obey all laws for a time period (30 days, 6 months, etc.) no potential



# **What are my rights at borders?**

- Within 500 miles of a border your constitutional rights are greatly reduced.
- This area of the law is constantly changing right now....

The background of the slide features a teal-colored silhouette of a crowd of people. Many of the figures have their arms raised, with some fists clenched, suggesting a protest or a moment of collective solidarity. The overall tone is serious and activist.

# **Special Rights & Concerns for Non- documented People**



# **What if I am not a citizen and the ICE contacts me?**

- **ICE CANNOT ENTER YOUR HOME WITHOUT YOUR CONSENT. YOU DO NOT HAVE TO ANSWER THE DOOR OR SPEAK TO AN ICE AGENT.**
- **Assert your rights. Failure to demand your rights may result in a waiver of your rights, and ICE may deport...**
- Do not rely on agents or family members to translate important legal

# Talk to a lawyer

You are not entitled to a free lawyer if you cannot afford one.

- You have the right to an interpreter who speaks your native language. Do not sign papers without a lawyer
- Always carry the name and telephone number of an immigration lawyer and who will take your calls. You must carry your immigration papers such as "green card," I-94, or work authorization with you as well.
- The immigration laws are complex and changing. ICE will not explain your options



# Deportation issues

- Parents: After 6 months of detention, the state is permitted to place your children up for adoption and terminate your parental rights.
- Set up emergency arrangements. Sign a power of attorney giving someone you know the power to care for your children in your absence so they do not end up in the system.
- You may be able to post bail if detained.
- Prevent deportations: Don't drive if your car isn't in legal compliance with driving

# **\* 10 Lessons of Criminalization \***

**Lesson One: Do Not Focus on Guilt or Innocence**

**Lesson Two: Don't Spread Fear and Paranoia**

**Lesson Three: Your Support Does Matter**

**Lesson Four: An Injury to One is an Injury to All**

**Lesson Five: Combating Marginalization**

**Lesson Six: Map Our Connections**

**Lesson Seven: Expand Our Base of Support Through Networks of Solidarity**

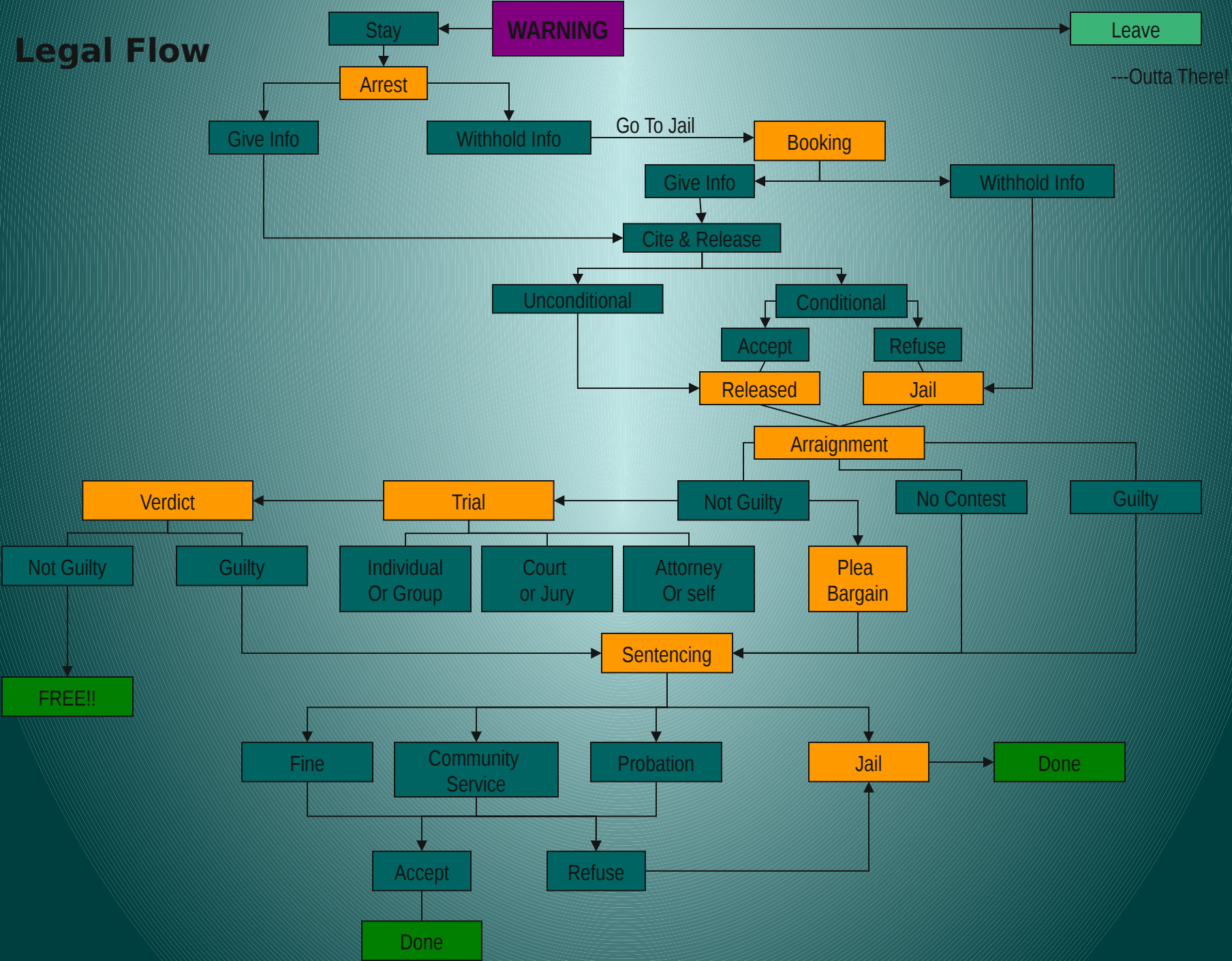
**Lesson Eight: Racism and Resources**

**Lesson Nine: Strategic Thinking**

**Lesson 10: Stopping Nightmares and Fulfilling Visions**



# Legal Flow



“First they came for the Communists,  
and I didn’t speak up, because I wasn’t a  
Communist.

Then they came for the Jews, and I didn’t  
speak up, because I wasn’t a Jew.

Then they came for the Catholics,  
and I didn’t speak up, because I was a  
Protestant.

Then they came for me, and by that time  
there was no one left to speak up for  
me.”

by Rev. Martin Niemoller, 1945